

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LOUIS A. DALLAN,

Plaintiff,

v.

PUCKETT, et al.,

Defendants.

No. C 07-6293 JSW (PR)

**ORDER TO SHOW CAUSE WHY
CASE SHOULD NOT BE
DISMISSED FOR FAILURE TO
PROSECUTE**

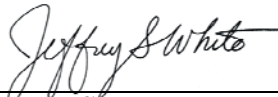
Plaintiff, a California prisoner, filed this pro se civil rights complaint under 42 U.S.C § 1983. On April 24, 2008, this Court ordered service of the complaint on Defendant Puckett. On August 22, 2008, Defendant moved for summary judgment and in October, 2008, Plaintiff filed two requests for an extension of time to file an opposition, in which he argued that he did not have access to documents necessary to prepare an opposition to the motion.

On February 26, 2009, this Court denied the motion for summary judgment without prejudice, under Federal Rule of Civil Procedure 56(f), which provides that if a party opposing summary judgment demonstrates that for specified reasons, it cannot present facts essential to justify the party's opposition, the trial court may deny the motion for summary judgment or continue the hearing to allow for such discovery or issue any other just order. *See* Fed. R. Civ. P. 56(f); *Margolis v. Ryan*, 140 F.3d 850, 853 (9th Cir. 1998). This Court also ordered Plaintiff to file in Court and serve on Defendant's counsel within 30 days of the date of the order a notice informing the Court

1 of whether he had obtained his legal property since filing his most recent extension
2 request and ordering Defendant to respond to Plaintiff's filing. However, more than 30
3 days have passed since Plaintiff was ordered to respond to the Court's order and he has
4 failed to do so. Therefore, Plaintiff is now ordered to show cause within 30 days of the
5 date of this order why this case should not be dismissed for failure to prosecute. A
6 district court may sua sponte dismiss an action for failure to prosecute or to comply with
7 a court order pursuant to Federal Rule of Civil Procedure 41(b). *See Link v. Wabash*
8 *R.R.*, 370 U.S. 626, 633 (1962); *McKeever v. Block*, 932 F.2d 795, 797 (9th Cir. 1991).

9 IT IS SO ORDERED.

10 DATED: June 30, 2009

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13 JEFFREY S. WHITE
14 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

DALLAN LOUIS,

Plaintiff,

v.

PUCKETT et al,

Defendant.

Case Number: CV07-06293 JSW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 30, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Dallan A. Louis V-78658
California State Prison-Los Angeles
P.O. Box 4670
Lancaster, CA 93539

Dated: June 30, 2009



Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk